FACT SHEET FOR STATE WASTE DISCHARGE PERMIT ST-7416
NATURE'S PATH FOODS, USA, INC.

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INTRODUCTION

This fact sheet is a companion document to the draft State Waste Discharge Permit No. ST-7416. The Department of Ecology (the Department) is proposing to issue this permit, which will allow discharge of wastewater to City of Blaine POTW. This fact sheet explains the nature of the proposed discharge, the Department's decisions on limiting the pollutants in the wastewater, and the regulatory and technical bases for those decisions.

Washington State law (RCW 90.48.080 and 90.48.160) requires that a permit be issued before discharge of wastewater to waters of the state is allowed. This statute includes commercial or industrial discharges to sewerage systems operated by municipalities or public entities which discharge into public waters of the state. Regulations adopted by the state include procedures for issuing permits and establish requirements which are to be included in the permit (Chapter 173-216 WAC).

This fact sheet and draft permit are available for review by interested persons as described in Appendix A—Public Involvement Information.

The fact sheet and draft permit have been reviewed by the Permittee. Errors and omissions identified in these reviews have been corrected before going to public notice. After the public comment period has closed, the Department will summarize the substantive comments and the response to each comment. The summary and response to comments will become part of the file on the permit and parties submitting comments will receive a copy of the Department's response. The fact sheet will not be revised.

GENERAL INFORMATION	
Applicant	Nature's Path Foods, USA, Inc.
Facility Name and Address	Nature's Path Foods, USA, Inc. 2220 Nature's Path Way Blaine, WA 98230 Whatcom County
Type of Facility	Cereal Manufacturer
Facility Discharge Location	Latitude: 48° 58' 43" N Longitude: 122° 43' 22" W
Treatment Plant Receiving Discharge	City of Blaine POTW
Contact at Facility	Name: Jeff Green Telephone #: (360) 332-1111
Responsible Official	Name: Arran Stephens Title: President Address: 2220 Nature's Path Way Telephone #: (360) 332-2266 FAX # (360) 332-1111

BACKGROUND INFORMATION

DESCRIPTION OF THE FACILITY

The cereal manufacturing plant began operation in Blaine, Washington, in 1999. A granola line was started-up in February 2000 after several months of pilot testing. The plant is engaged in the production of a variety of cereals. The following operations are performed in a production run of cereal:

- Weighing and mixing of ingredients
- Transfer of ingredients to a silo
- Extrusion of the mix following addition of water and sugar
- Processing in a conditioning cylinder
- Forming operations
- Pre-drying
- Heating in a toasting oven at 400 degrees Fahrenheit
- Cooling
- Transfer to a silo
- Weighing and packaging

The plant is modern and highly mechanized. The practice is to keep the production area very clean, with virtually no noticeable dust in the air or on the floor. All material which can be removed from machines in a dry state is done so using dry methods. The dry product removed is shipped off as animal feed. Due to the limited access to the interior of most of the machinery, and the dough-like character of much of the material which needs to be cleaned, it does not appear to be practical to use dry methods for the majority of cleanup operations.

HISTORY / PERMIT STATUS / COMPLIANCE RECORD

The Permittee applied for a state waste discharge permit in February 1999. The Department issued a Notice of Temporary State Waste Discharge Permit on June 30, 1999. The letter stated that the Permittee was not authorized to "discharge pollutants not specified in your application and attachments, or in quantities exceeding those specified in your application." The application described the discharge as a maximum 4,500 gallons of washdown water per day with a maximum BOD_5 concentration of 500 mg/L and a maximum TSS concentration of 500 mg/L.

Subsequently, the City of Blaine reported significantly higher concentrations of BOD and TSS than those described in the permit application. The City reported values of greater than 20,000 mg/L from two composite samples. At the time the City did the testing, the City of Blaine's treatment plant was approaching an overloaded condition. The City determined that it could allocate 20 pounds/day of BOD_5 and 20 pounds/day of TSS to Nature's Path.

On November 21, 2000, the Department issued a Notice of Violation (NOV) and Administrative Order to Nature's Path Foods. The NOV was based on sample results obtained by the City of Blaine which indicated concentrations of BOD_5 exceeding 20,000 mg/L. The order contained a compliance schedule with the following milestone dates:

- January 1, 2001: Construction of sample/flow measurement site;
- November 21, 2001 - July 15, 2001: Interim discharge limits of 100 pounds/day BOD_5, 100 pounds/day TSS in effect;
- April 2, 2001: Submittal of an Engineering Report with best management procedures and an analysis of pretreatment technology to achieve discharge limitations of 20 pounds/day BOD_5 and 20 pounds per day TSS;
- March 15, 2001: Submittal of Plans and Specifications for the recommended technology; and
- July 15, 2001: Completion of construction of recommended alternative.

A Notice of Appeal was filed by the applicant with the Pollution Control Hearings Board on January 11, 2001.

As a result of a settlement prior to the hearing, the Administrative Order was modified on February 9, 2001. The modified order contained the following milestone dates in the compliance schedule:

- January 1, 2001: Construction of sample/flow measurement site;
- February 15, 2001 - July 15, 2001: Interim discharge limits 100 pounds/day BOD_5, 100 pounds/day TSS;
- April 2, 2001: Submittal of an Engineering Report with best management procedures and an analysis of pretreatment technology to achieve discharge limitations of 20 pounds/day BOD_5 and 20 pounds per day TSS; and
- May 2, 2001: Submittal of Plans and Specifications for the recommended technology.

By August 2000, the company had begun pumping holding tanks on a regular basis and had established improved cleaning procedures for facility equipment. Installation of flow meters on all washdown equipment had been completed by November 2000. A sampling site was established by January 15, 2001.

On March 30, 2001, Nature's Path submitted an Engineering Report in which a sequencing batch reactor was proposed. On April 16, 2001, the Department approved an Engineering Report submitted by Nature's Path Foods.

Subsequently, in its letter of June 11, 2001, the City of Blaine expressed reservations about the proposed application of SBR technology, and requested that a load equalization system be employed. At a later time, the City of Blaine appeared to favor a combined industrial waste treatment system. The Department delayed modifying the order, until the City made a final determination on the desired characteristics of the wastewater treatment system.

By late 2002, Nature's Path had begun construction of an expanded facility for cereal production. They had also identified ultrafiltration as the technology to be used for achieving compliance with the BOD and TSS standards in the allocation. On January 7, 2003, the Department met with Nature's Path and City of Blaine to discuss the proposed technology.

TREATMENT PROCESSES

At the time of the drafting of this permit, Nature's Path Foods had decided to implement a treatment system based mainly on filtration. Based on the draft Engineering Report received January 2, 2003, the proposed technology involves the following steps:

- Below – grade collection of washdown wastewater
- Transfer to 5000 gallons wastewater storage tank
- Solids removal in slant plate clarifier (clay and polymer will be used as settling aids)
- Filtering by means of a 10.0 micron filter equipped with a High Frequency Sonical Unit
- Storage in 5000 gallon process water holding tank
- Transfer to 1000 gallon ultra filter tank
- Further solids removal in ultra filter
- Transfer to 5000 gallon clean water holding tank
- Application of ozone to wastewater by means of venturi
- Ozone contact chamber (5000 gallon clean water tank)
- Ultraviolet module
- Activated carbon filtration with bioreactor capabilities

The company submitted a final Engineering Report on May 28, 2003. The Department approved the Engineering Report and plans and specifications on June 2, 2003.

WASTEWATER CHARACTERIZATION

The characteristics of the wastewater prior to treatment are indicated in the table below. The values are based on information in the draft Engineering Report submitted by Nature's Path, and estimates inferred by the permit writer based on information presented in the draft Engineering Report:

CHARACTERISTICS OF NATURE'S PATH WASH WATER PRIOR TO TREATMENT

Pollutant Parameter	Minimum	Average	Maximum
Flow, gallons per day	100	2500	7500
BOD_5, mg/L	75	2500	5000
BOD_5, pounds per day	4	80	200
BOD_5, mg/L, soluble	3.5	2200	4000
TSS, mg/L	100	950	2500
pH, standard pH units	No data	5.0	No data

The characteristics of the wastewater following the last step in the proposed treatment process are indicated in the table below. The values are based on information in the draft Engineering Report submitted by Nature's Path, and estimates inferred by the permit writer based on information presented in the draft Engineering Report:

CHARACTERISTICS OF NATURE'S PATH WASH WATER FOLLOWING CARBON FILTRATION			
Pollutant Parameter	**Minimum**	**Average**	**Maximum**
Flow, gallons per day	100	2500	4000*
BOD_5, mg/L	75	240	400
BOD_5, pounds per day	4	15	20
BOD_5, mg/L, soluble	3	230	375
TSS, mg/L	<5	<5	5
pH, standard pH units	No data	7.5	No data

The reduction in maximum flow from 7500 gallons prior to treatment to 4000 after pretreatment is a result of the flow equalization capabilities of the system.

SEPA COMPLIANCE

The Nature's Path plant is a preexisting facility which is operating under an existing permit-by rule. In addition, a SEPA checklist has been prepared for construction of the new facility.

PROPOSED PERMIT LIMITATIONS

State regulations require that limitations set forth in a waste discharge permit must be based on the technology available to treat the pollutants (technology-based) or be based on the effects of the pollutants to the POTW (local limits). Allocations made by a city or sewer district, typically for conventional pollutants, may also serve as a basis for limitations placed in state waste discharge permits. Wastewater must be treated using all known, available, and reasonable treatment (AKART) and not interfere with the operation of the POTW.

The minimum requirements to demonstrate compliance with the AKART standard and specific design criteria for this facility will be set forth in the Engineering Report being prepared by this facility.

The more stringent of the local limits-based or technology-based limits have been applied to each of the parameters of concern. Each of these types of limits is described in more detail below.

TECHNOLOGY-BASED EFFLUENT LIMITATIONS

All waste discharge permits issued by the Department must specify conditions requiring available and reasonable methods of prevention, control, and treatment of discharges to waters of the state (WAC 173-216-110). The proposed pretreatment system is represented in the draft Engineering Report as being capable of achieving a concentration of BOD_5 of approximately 250 milligrams per liter. This value is roughly consistent with the concentration of BOD_5 present in typical domestic wastewaters. The Department finds that this concentration is consistent with the requirement for AKART technology.

EFFLUENT LIMITATIONS BASED ON LOCAL LIMITS

The proposed interim limitations are consistent with the existing Administrative Order, and are intended to be in effect until the compliance deadline for completion of construction and start-up of the proposed pretreatment system. The proposed interim limitations are 100 pounds per day for BOD_5 and TSS.

The final limitations of 20 pounds per day for BOD_5 and TSS in the proposed permit are based on an allocation decision made by the City of Blaine with the concurrence of the Department's permit manager for the City of Blaine POTW NPDES permit. The City of Blaine treatment plant is approaching an overloaded condition with respect to influent BOD. In order to prevent interference and related pass-through of pollutants, it is necessary to limit the total BOD and TSS loading to the City of Blaine POTW. The effectiveness of the BOD and TSS limitations in this permit will be dependent on the City maintaining control of the other sources of BOD to the POTW, including domestic as well as industrial sources.

MONITORING REQUIREMENTS

Monitoring, recording, and reporting are specified to verify that the treatment process is functioning correctly, and that effluent limitations are being achieved (WAC 173-216-110). The Department normally requires BOD monitoring to demonstrate compliance with BOD limitations placed in discharge permits. Nevertheless, the Department also recognizes the economic hardship which daily BOD monitoring would place on the Permittee. Therefore, the Department is allowing COD monitoring to be used in partial fulfillment of demonstration of compliance.

The monitoring schedule is detailed in the proposed permit under Condition S1. Specified monitoring frequencies take into account the quantity and variability of the discharge, the treatment method, past compliance, significance of pollutants, and cost of monitoring.

OTHER PERMIT CONDITIONS

REPORTING AND RECORDKEEPING

The conditions of S3 are based on the authority to specify any appropriate reporting and recordkeeping requirements to prevent and control waste discharges [WAC 173-216-110 and 40 CFR 403.12 (e), (g), and (h)].

OPERATIONS AND MAINTENANCE

The proposed permit contains Condition S5 as authorized under chapter 173-240-150 WAC and chapter 173-216-110 WAC. It is included to ensure proper operation and regular maintenance of equipment, and to ensure that adequate safeguards are taken so that constructed facilities are used to their optimum potential in terms of pollutant capture and treatment.

PROHIBITED DISCHARGES

Certain pollutants are prohibited from being discharged to the POTW. These include substances which cause pass-through or interference, pollutants which may cause damage to the POTW or harm to the POTW workers (chapter 173-216 WAC) and the discharge of designated dangerous wastes not authorized by this permit (chapter 173-303 WAC).

DILUTION PROHIBITED

The Permittee is prohibited from diluting its effluent as a partial or complete substitute for adequate treatment to achieve compliance with permit limitations.

SOLID WASTE PLAN

The Department has determined that the Permittee has a potential to cause pollution of the waters of the state from leachate of solid waste.

This proposed permit requires, under authority of RCW 90.48.080, that the Permittee develop and submit to the Department a solid waste plan to prevent solid waste from causing pollution of waters of the state.

NONROUTINE AND UNANTICIPATED DISCHARGES

Occasionally, this facility may generate wastewater which is not characterized in their permit application because it is not a routine discharge and was not anticipated at the time of application. These typically are waters used to pressure test storage tanks or fire water systems or leaks from drinking water systems. These are typically clean waste waters but may be contaminated with pollutants. The permit contains an authorization for nonroutine and unanticipated discharges. The permit requires a characterization of these waste waters for pollutants and examination of the opportunities for reuse. Depending on the nature and extent of pollutants in this wastewater and opportunities for reuse, Ecology may authorize a direct discharge via the process wastewater outfall, require the wastewater to be placed through the facilities wastewater treatment process or require the water to be reused.

SPILL PLAN

The Department has determined that the Permittee stores a quantity of chemicals or untreated wastewater that has the potential to cause water pollution if accidentally released. The Department has the authority to require the Permittee to develop best management plans to prevent this accidental release under Section 402(a)(1) of the Federal Water Pollution Control Act (FWPCA) and RCW 90.48.080.

The proposed permit requires the Permittee to develop and implement a plan for preventing the accidental release of pollutants to state waters and for minimizing damages if such a spill occurs.

SLUG DISCHARGE CONTROL PLAN

The Department has determined that the Permittee has the potential for a batch discharge or a spill that could adversely effect the POTW therefore a Slug Discharge Control Plan is required [40 CFR 403.8 (f)].

COMPLIANCE SCHEDULE FOR MEETING PRETREATMENT STANDARDS

At the time of the drafting of this permit, construction of pretreatment works to achieve compliance with the limitations set forth in the proposed permit was not complete. Therefore, the permit contains interim limitations intended to provide the Permittee a reasonable amount of time to come into compliance with the final pH and BOD standards. The interim limitations are referred to in part S1 of the permit.

The separate compliance schedule section of the permit contains engineering report-related requirements for a proposed pretreatment system. The Permittee has already proposed an innovative technology for the project. As the proposed technology is innovative in the context of removal of soluble sugars from wastewater, the Department is requiring a two stage submittal in which engineering plans and specifications are submitted for provisional approval by the Department, followed by submittal of an evaluation of pretreatment plant operation following a period of operation of the new system. Specifically, the compliance schedule section of the permit contains compliance milestone dates for the following actions:

- Submittal of an Engineering Report and Plans and Specifications
- Wastewater Pretreatment System Plant Start-Up
- Submittal of Pretreatment System Compliance Engineering Evaluation Report

GENERAL CONDITIONS

General Conditions are based directly on state laws and regulations and have been standardized for all industrial waste discharge to POTW permits issued by the Department.

Condition G1 requires responsible officials or their designated representatives to sign submittals to the Department. Condition G2 requires the Permittee to allow the Department to access the treatment system, production facility, and records related to the permit. Condition G3 specifies conditions for modifying, suspending, or terminating the permit. Condition G4 requires the Permittee to apply to the Department prior to increasing or varying the discharge from the levels stated in the permit application. Condition G5 requires the Permittee to construct, modify, and operate the permitted facility in accordance with approved engineering documents. Condition G6 prohibits the Permittee from using the permit as a basis for violating any laws, statutes, or regulations. Conditions G7 and G8 relate to permit renewal and transfer. Condition G9 requires the Permittee to control production or wastewater discharge in order to maintain compliance with the permit. Condition G10 prohibits the reintroduction of removed pollutants into the effluent stream for discharge. Condition G11 requires the payment of permit fees. Condition G12 describes the penalties for violating permit conditions.

PUBLIC NOTIFICATION OF NONCOMPLIANCE

A list of all industrial users which were in significant noncompliance with Pretreatment Standards or Requirements during any of the previous four quarters may be annually published by the Department in a local newspaper. Accordingly, the Permittee is apprised that noncompliance with this permit may result in publication of the noncompliance.

RECOMMENDATION FOR PERMIT ISSUANCE

This proposed permit meets all statutory requirements for authorizing a wastewater discharge, including those limitations and conditions believed necessary to control toxics, as well as the loading of conventional pollutants to the Department of Ecology. The Department proposes that the permit be issued for such a period of five (5) years.

APPENDICES

APPENDIX A—PUBLIC INVOLVEMENT INFORMATION

The Department has tentatively determined to reissue a permit to the applicant listed on page one of this fact sheet. The permit contains conditions and effluent limitations which are described in the rest of this fact sheet.

Public Notice of Application (PNOA) was published on May 12 and May 19, 1999, in the *Record Journal* to inform the public that an application had been submitted and to invite comment on the reissuance of this permit.

The Department published a Public Notice of Draft (PNOD) on April 17, 2003, in the *Northern Light* to inform the public that a draft permit and fact sheet were available for review. Interested persons were invited to submit written comments regarding the draft permit. The draft permit, fact sheet, and related documents were available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. weekdays, by appointment, at the regional office listed below. Written comments were mailed to:

Water Quality Permit Coordinator
Department of Ecology
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008

Any interested party may comment on the draft permit or request a public hearing on this draft permit within the thirty (30) day comment period to the address above. The request for a hearing shall indicate the interest of the party and reasons why the hearing is warranted. The Department will hold a hearing if it determines there is a significant public interest in the draft permit (WAC 173-216-100). Public notice regarding any hearing will be circulated at least thirty (30) days in advance of the hearing. People expressing an interest in this permit will be mailed an individual notice of hearing.

Comments should reference specific text followed by proposed modification or concern when possible. Comments may address technical issues, accuracy and completeness of information, the scope of the facility's proposed coverage, adequacy of environmental protection, permit conditions, or any other concern that would result from issuance of this permit.

The Department will consider all comments received within thirty (30) days from the date of public notice of draft indicated above, in formulating a final determination to issue, revise, or deny the permit. The Department's response to all significant comments is available upon request and will be mailed directly to people expressing an interest in this permit.

Further information may be obtained from the Department by telephone (425) 649-7025, or by writing to the address listed above.

APPENDIX B—GLOSSARY

Ammonia—Ammonia is produced by the breakdown of nitrogenous materials in wastewater. Ammonia is toxic to aquatic organisms, exerts an oxygen demand, and contributes to eutrophication. It also increases the amount of chlorine needed to disinfect wastewater.

Average Monthly Discharge Limitation—The average of the measured values obtained over a calendar month's time.

Best Management Practices (BMPs)—Schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the State. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may be further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

BOD_5—Determining the Biochemical Oxygen Demand of an effluent is an indirect way of measuring the quantity of organic material present in an effluent that is utilized by bacteria. The BOD_5 is used in modeling to measure the reduction of dissolved oxygen in a receiving water after effluent is discharged. Stress caused by reduced dissolved oxygen levels makes organisms less competitive and less able to sustain their species in the aquatic environment. Although BOD is not a specific compound, it is defined as a conventional pollutant under the federal Clean Water Act.

Bypass—The intentional diversion of waste streams from any portion of the collection or treatment facility.

Categorical Pretreatment Standards—National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories.

Compliance Inspection - Without Sampling—A site visit for the purpose of determining the compliance of a facility with the terms and conditions of its permit or with applicable statutes and regulations.

Compliance Inspection - With Sampling—A site visit to accomplish the purpose of a Compliance Inspection - Without Sampling and as a minimum, sampling and analysis for all parameters with limits in the permit to ascertain compliance with those limits; and, for municipal facilities, sampling of influent to ascertain compliance with the 85 percent removal requirement. Additional sampling may be conducted.

Composite Sample—A mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing discrete samples. May be "time-composite"(collected at constant time intervals) or "flow-proportional" (collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increased while maintaining a constant time interval between the aliquots).

Construction Activity—Clearing, grading, excavation, and any other activity which disturbs the surface of the land. Such activities may include road building; construction of residential houses, office buildings, or industrial buildings; and demolition activity.

Continuous Monitoring—Uninterrupted, unless otherwise noted in the permit.

Engineering Report—A document, signed by a professional licensed engineer, which thoroughly examines the engineering and administrative aspects of a particular domestic or industrial wastewater facility. The report shall contain the appropriate information required in WAC 173-240-060 or 173-240-130.

Grab Sample—A single sample or measurement taken at a specific time or over as short period of time as is feasible.

Industrial User—A discharger of wastewater to the sanitary sewer which is not sanitary wastewater or is not equivalent to sanitary wastewater in character.

Industrial Wastewater—Water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feed lots, poultry houses, or dairies. The term includes contaminated storm water and, also, leachate from solid waste facilities.

Interference—A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA], sludge regulations appearing in 40 CFR Part 507; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

Local Limits—Specific prohibitions or limits on pollutants or pollutant parameters developed by a POTW.

Maximum Daily Discharge Limitation—The highest allowable daily discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. The daily discharge is calculated as the average measurement of the pollutant over the day.

Method Detection Level (MDL)—The minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is above zero and is determined from analysis of a sample in a given matrix containing the analyte.

Pass-through—A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase

in the magnitude or duration of a violation), or which is a cause of a violation of state water quality standards.

pH—The pH of a liquid measures its acidity or alkalinity. A pH of 7 is defined as neutral, and large variations above or below this value are considered harmful to most aquatic life.

Potential Significant Industrial User—A potential significant industrial user is defined as an industrial user which does not meet the criteria for a significant industrial user, but which discharges wastewater meeting one or more of the following criteria:

a. Exceeds 0.5 % of treatment plant design capacity criteria and discharges <25,000 gallons per day; or

b. Is a member of a group of similar industrial users which, taken together, have the potential to cause pass-through or interference at the POTW (e.g., facilities which develop photographic film or paper, and car washes).

The Department may determine that a discharger initially classified as a potential significant industrial user should be managed as a significant industrial user.

Quantitation Level (QL)—A calculated value five times the MDL (method detection level).

Significant Industrial User (SIU)—

1. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

2. Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater); contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority* on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement [in accordance with 40 CFR 403.8(f)(6)].

Upon finding that the industrial user meeting the criteria in paragraph 2, above, has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority* may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

*The term "Control Authority" refers to the Washington State Department of Ecology in the case of nondelegated POTWs or to the POTW in the case of delegated POTWs.

Slug Discharge—Any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge to the POTW. This may include any pollutant released at a flow rate which may cause interference with the POTW.

State Waters—Lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington.

Stormwater—That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a storm water drainage system into a defined surface water body, or a constructed infiltration facility.

Technology-based Effluent Limit—A permit limit that is based on the ability of a treatment method to reduce the pollutant.

Total Coliform Bacteria—A microbiological test which detects and enumerates the total coliform group of bacteria in water samples.

Total Dissolved Solids—That portion of total solids in water or wastewater that passes through a specific filter.

Total Suspended Solids (TSS)—Total suspended solids is the particulate material in an effluent. Large quantities of TSS discharged to a receiving water may result in solids accumulation. Apart from any toxic effects attributable to substances leached out by water, suspended solids may kill fish, shellfish, and other aquatic organisms by causing abrasive injuries and by clogging the gills and respiratory passages of various aquatic fauna. Indirectly, suspended solids can screen out light and can promote and maintain the development of noxious conditions through oxygen depletion.

Water Quality-based Effluent Limit—A limit on the concentration of an effluent parameter that is intended to prevent the concentration of that parameter from exceeding its water quality criterion after it is discharged into a receiving water.